

## CHAPTER 11

# Public Access to the Federal Spectrum Management Process

## 11.1 PREFACE

This Chapter sets forth policies and general guidance for the implementation of sections 104(a) and (b) of the National Telecommunications and Information Administration Organization Act (Act), P.L. 102-538, codified at 47 U.S.C. 903. The Act directs the Department of Commerce and the National Telecommunications and Information Administration (NTIA) to improve Federal spectrum management activities regarding (1) provision of opportunities for the public to make presentations and receive advice; (2) publication of major spectrum management policy proposals, with opportunity for public review and comment, and policy decisions; (3) provision of non-classified spectrum management information to the public; and (4) consideration of requests by the public for access to spectrum allocated for Federal Government use.

## 11.2 PLANNING PRESENTATIONS TO THE IRAC AND SPECTRUM MANAGEMENT OFFICIALS

Anyone who is planning to make a presentation to the IRAC or is seeking advice from spectrum management officials in NTIA should contact the Program Manager of the Spectrum Openness Program (the Openness Program Manager) in the Spectrum Plans and Policies Directorate of NTIA's Office of Spectrum Management.<sup>1</sup>

### 11.2.1 Presentations to the IRAC

Members of the public who are preparing presentations to the IRAC should consider the following: (1) the IRAC advises NTIA and the Assistant Secretary for Communications and Information relative to Federal management of the radio frequency spectrum; (2) the member-agency representatives manage, or coordinate, diverse types of radiocommunications facilities and services in their respective agencies; (3) some of these services

are obtained from Government-owned facilities and some are obtained from privately-owned facilities; and (4) the IRAC awards neither grants nor contracts of any kind.

Presentations to the IRAC by the public may include the following:

1. Descriptions of developing technologies or innovative applications of existing technologies that are relevant to radio frequency spectrum management or usage.
2. Proposals for new radiocommunication services or improved approaches for spectrum management.
3. Comments on spectrum issues currently being addressed by the IRAC or NTIA.

Information provided by the public during the open portions of IRAC meetings shall have no distribution restrictions. During the open portions of IRAC meetings, questions and comments by members of the public on presentations by others should be addressed to the Chairman of the IRAC.

### 11.2.2 Announcement of Presentations by the Public

When plans have been made for members of the public to make a presentation to the IRAC, an announcement shall be placed on the NTIA computer bulletin board (NTIA Bulletin Board) and, to the extent that Spectrum Openness Program resources permit, an announcement shall also be sent to individuals and organizations listed on NTIA's Openness Program mailing list.<sup>2</sup> This announcement shall (1) define the subject to be addressed; (2) indicate the scheduled date and place for the presentation; (3) provide a brief summary of the scheduled presentation; and (4) identify an individual who can answer detailed questions

regarding the scheduled presentation.

Anyone planning to attend a scheduled open portion of an IRAC meeting should contact the Openness Program Manager in advance of the meeting date to ensure that adequate seating can be made available for the meeting.

### **11.3 REQUESTING FEDERAL GOVERNMENT SPECTRUM MANAGEMENT INFORMATION**

#### **11.3.1 Policy**

In general, nonclassified Federal radio frequency spectrum management information held by NTIA (including access to electronic databases) is available to the public. However, public access to some information is restricted by Federal law. Because of the voluminous nature of some types of information, requesters may be asked to reimburse NTIA for document copying costs.

#### **11.3.2 Guidance**

Anyone seeking Federal spectrum management information on such topics as the status of Federal Government spectrum management activities, the Federal agencies' use of the spectrum, the location of specific documents related to spectrum management, or the status of given policies and policy developments, should contact the Openness Program Manager. In addition, the NTIA Bulletin Board and NTIA Reference Room provide access to extensive spectrum management information.<sup>3</sup>

### **11.4 REQUESTING ACCESS TO SPECTRUM ALLOCATED FOR FEDERAL GOVERNMENT USE**

#### **11.4.1 Policy**

NTIA shall provide prompt and impartial consideration to all public requests for access to those portions of the spectrum that are allocated for Federal Government use.<sup>4</sup> All requests shall be reviewed by NTIA, with assistance from the IRAC, to determine the likely impact on the Federal Government's existing and planned spectrum uses.

The Openness Program Manager shall inform the Federal Communications Commission (FCC) when a review of an access request from the public has been initiated and shall advise the FCC of any preliminary conclusions on allocation changes that may relate to pending FCC allocation or authorization decisions. The status and the ultimate disposition of all requests shall be provided to the requester and made available to the public through announcements placed in the NTIA Reference Room, on the NTIA Bulletin Board, and to the extent Spectrum Openness Program resources permit, in mailings to individuals and organizations listed on NTIA's Openness Program mailing list.

#### **11.4.2 Guidance**

Authorizations for operating non-Federal Government radiocommunications stations must be obtained from the FCC. Requests from the public for NTIA's views on public use of spectrum allocated for Federal Government use should be presented to the Openness Program Manager. The requests should, as appropriate, include the following information:

1. The radio frequency band or bands affected.
2. The reasons why the requirement for radio frequency spectrum use cannot be accommodated within non-Federal Government spectrum.
3. The likely impact on the radiocommunication services currently using the spectrum under consideration.
4. The radiocommunication service proposed and a functional description, including technical parameters, of the system.
5. The geographic area to be served by the proposed radiocommunication service.
6. The planned schedule for implementing the proposed radiocommunication service.
7. A description of the actions by the FCC on

the request.

8. The name, address, telephone number, and facsimile number of the individual who can be contacted for more information regarding the request.

#### **11.5 PUBLICATION OF MAJOR FEDERAL SPECTRUM MANAGEMENT PROPOSALS AND DECISIONS**

All major nonclassified policy proposals and decisions involving Federal spectrum management

shall be published in the Federal Register. When policy proposals are published, specific procedures shall be included for the public to submit comments to NTIA. In addition to publishing major policy proposals and decisions in the Federal Register, summaries of current Federal spectrum management activities that are of general interest shall be made available to the public through announcements placed in the NTIA Reference Room, on the NTIA Bulletin Board, and to the extent Spectrum Openness Program resources permit, in mailings to individuals and organizations listed on NTIA's Openness Program mailing list.

**Endnotes for Chapter 11**

1. The office of the Program Manager for the Spectrum Openness Program is located in Room 4092, 14<sup>th</sup> St. and Pennsylvania Ave., N.W., Washington, DC 20230. The Manager can be reached as follows: (i) (202) 482-3999 or (202) 482-1139 (for voice), (ii) (202) 482-4396 (for facsimile), and (iii) (202) 482-1199 (for the NTIA Bulletin Board).
2. Requests for information regarding NTIA's mailing list should be directed to the Program Manager, Spectrum Openness Program.
3. The NTIA Reference Room contains documents pertinent to a variety of telecommunications subjects, including spectrum management issues. These documents are available for review by the public. While these documents are physically located in Washington, DC, a growing number of these documents are becoming available in machine-readable form and are being placed on the NTIA Bulletin Board. This Bulletin Board is accessible globally free of charge to anyone with a personal computer connected to the public switched telephone network (the direct telephone number is (202) 482-1199). The NTIA Reference Room is located in the Office of the Program Manager, Spectrum Openness Program, in Room 4092, 14<sup>th</sup> St. and Pennsylvania Ave., N.W., Washington, DC, 20230. The scheduled hours are 9:30-11:30 am and 1:30-3:30 pm, Tuesday through Thursday.
4. In cases where the spectrum requested for use is within a band allocated for exclusive non-Government use in the National Table of Frequency Allocations, the requester will be referred to the Federal Communications Commission.

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